



## Tribe accepts share of MTE's excess profits

Special to  
Menominee Nation News

The Menominee Tribal Legislature (MTL) voted unanimously to accept a \$199,722 excess profits payment for the Fiscal Year 1998-1999 from Menominee Tribal Enterprises (MTE) during a joint meeting of the two governing bodies Tuesday night. Excess

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## DNR board declines to create rules for mining moratorium law

By Jenny Price  
Associated Press

MADISON, Wis. (AP) — The head of the state Department of Natural Resources says the state's mining moratorium law does not require new administrative rules to clarify how the law should be carried out.

At the department's recommendation, the Natural Resources Board on

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## Issues adequately addressed at Tribal Legislative Forum

By Georgianna Ignace  
for Menominee Nation News

MILWAUKEE — The Menominee community of Milwaukee held two Menominee Tribal Legislature candidate forums. Fourteen of the sixteen Legislative candidates attended the first forum which was held on October 30, 1999 before the primary.

The second forum was held on

November 20, 1999 and four of the six finalists attended — Eugene "Gene" Caldwell, Apesanahkwat, Sylvia Wilber and Wendell "Sim" Askenette.

The finalist responded to questions from Jolly Waukau and Scott Keshena.

Following are the questions and answers given by each candidate at the latest forum.

*If the Kenosha project is denied what future will there be for economic development?*

**Apesanahkwat:** The greatest obstacle for economic development is the shortage of venture capital and it has been like this for years. If we do not get Kenosha it will limit the tribe

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## Christmas traditions near and far



Y. Kaualosh/MNN



L. May/MNN

At left, a young girl places an ornament on the 'community' tree located outside the South Branch resource center before Christmas caroling began. Above, students at Keshena Primary put together Christmas decorations to coincide with the Christmas Traditions Around the World project.

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## Potawatomi express concern over Menominee casino in Kenosha

MILWAUKEE (AP)—Potawatomi Indians have belatedly expressed concerns that a casino proposed by the Menominee tribe at Kenosha would draw tourists, dollars and jobs away from the Potawatomi casino here.

The Forest County Potawatomi tribe's chairman and attorney general — along with some local government, union, business and tourism officials — contended at a news conference Thursday that the U.S. Bureau of Indian Affairs did not give them proper notice of the comment period for the proposed Menominee Nation casino for Dairyland Greyhound Park and did not give them enough information to respond adequately.

"We are concerned Milwaukee wasn't brought into the loop until af-

ter the fact and we think people are entitled," said Phil Shopodock, the tribe's chairman.

The Bureau of Indian Affairs must approve the transferring of 88 acres of land at Dairyland into federal trust for the Menominee for the purpose of opening a casino. The Kenosha City Council and County Board gave tentative approval earlier this fall to an intergovernmental agreement with the tribe to allow the casino.

In reviewing that proposal, the bureau is required to seek the input of the municipality in which the casino would be located and tribes in a 50-mile radius. The city and county of Kenosha asked twice for extensions of the BIA comment period—once in

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## CASINO:

the spring for 60 days, and once in late August, for another 30 days to allow local officials to gather more information.

The Menominee supported the extensions because city officials said they would not bring the issue to a vote without additional information they requested from the BIA and would otherwise be forced to respond negatively to the BIA's inquiry.

But Potawatomi Attorney General Jeff Crawford said his tribe was not notified of the comment period until late August and did not receive at that time all the information, including financial studies and impact statements, necessary for the tribe to submit its opinion on the Kenosha casino.

"We were obviously aware from the press coverage that there were efforts in the Kenosha area for the dog track and we have said all along we were concerned about that," Crawford said. "We have said all along that we would follow the rules of the BIA and not respond until they contacted us."

He said the BIA has not responded to the Potawatomi's request for additional time and information.

"We are concerned about the casino size and the disparity between Kenosha and Milwaukee and the fact that we had such a short response time," added Frank Busalacchi, secretary treasurer of Teamsters Local 200. "We have not had time to study this and it could have an economic impact and an impact on jobs."

The proposed Kenosha casino would contain 120 black jack tables and 3,700 slot machines. The Potawatomi casino in Milwaukee is expanding to contain 25 black jack tables and 1,200 slots.

But Menominee officials said Forest County Potawatomi and Milwaukee officials had plenty of time earlier to voice their concerns.

"They know the rules and they had ample time to comment if they chose," said Menominee Chairman Apesanahkwat. "If they didn't know what they were doing they have no one to blame but themselves."

Apesanahkwat said the economics of the Kenosha and Milwaukee casinos, of which Milwaukee officials have requested time to complete their own study, will not impact the BIA's decision on whether a casino at Dairyland would negatively affect the Kenosha area.

## FORUM:

in all aspects of the tribe, education, health, social programs, etc.

Sim' Askenette: Since we have a lot of dependence on BIA or Government resources. . . I believe that the area that can hold economic development is the Middle Village. As time goes on we have to look at infrastructure both in Neopit and Keshena. We as a tribe, have to look at further opportunities within our own tribal area. We must look at people who have skills and also look to the college to train people. We must look at skilled individuals.

Sylvia Wilber: We must look at what we have on the reservation or redesign what we have and make corrections. I believe that is a lot of waste and in order to correct tribal needs, we should ask the Menominee people what they see to make corrections. Kenosha is not the end of the world for the tribe. We will survive!

'Gene'Caldwell: I believe Kenosha is a go! As for economic development, we must look at the land and where development can take place. A building for retail businesses at School View will enhance our economic well being. Moderate rent cost for space could be charged to retail businesses. People that want to start a business are hampered because they don't have land on which to build a business.

## Comments on Educational Initiatives

Apesanahkwat: The tribe needs to support education for our tribal members. If Kenosha is a go, I will support a significant initiative for education.

Sylvia Wilber: No matter where the Menominees are, the tribe should provide the resources for individuals that want a higher education. We must seek out different resources for educational monies.

'Sim' Askenette: The tribe can provide a scholarships for a specific specialty, for example, computer science. I would like to see a program that will groom the youth in a specialty and encourage them to come back home and work for the tribe.

'Gene' Caldwell: He would support a educational payback initiative--where the tribe will pay for the college education and upon graduation, the individual comes home in a position and works for the tribe for a specified number of years.

## Comments concerning MTL's Ordinance 99-22

Apesanahkwat: We must look at the tribal constitution and the scope of responsibilities MTL has to the tribe. He supports MTL's realignment of MTE but not to run the day to day business of

MTE. He personally feels his responsibility as a legislature is to make sure the people know that the forest belongs to the people. And, if MTE is doing well, we should be able to negotiate a stumpage for the people. He supports the realignment of MTE under Article 13 of the constitution as a successor business.

Sylvia Wilber: Take a look at the constitution, it is what guides our decision concerning MTE. Under Article 3, section 1 of the constitution 'Power to create laws was granted to the governing body and that is the Tribal Legislature.'

Gene Caldwell: Six months was not long enough to consider Ordinance 99-22. The legislature should have consulted with MTE board of directors. And I opposed the ordinance because the people did not have input in this decision.

The candidates supported a medical prescription service program for Menominees in Milwaukee. However, each candidate made a comment on how this can be accomplished.

Apesanahkwat: Menominees in the city should enjoy the same rights that Menominees on the reservation enjoy. But, there is a policy that states you have to live on the reservation to enjoy those rights.

Sylvia Wilber: No matter who or where the Menominees live the tribe must take a look at how we can serve all Menominees. And, how the tribe can supplement or add to the resources for the Menominees in Milwaukee.

'Sim' Askenette: There may be ways to support a medical prescription service. If we can defray the cost, then we can help - especially those in greatest need. Here again, we need money to do this.

'Gene' Caldwell: We need money and there are a lot of hurdles to overcome in order to appropriate moneys to help with medical needs of off reservation Menominees. We must consider how we can accommodate all Menominees no matter where they live.

Do you support a Menominee Satellite office in Milwaukee?

Apesanahkwat: I will create a resolution to support a satellite office for \$50,000.00

'Gene' and 'Sim' supported the idea but could not stipulate how much money it will take to get it done.

Sylvia Wilber: I have no knowledge of what kind of money the tribe has or whether the tribe has \$50,000.00 for a Menominee office in Milwaukee. She further stated the tribe needs to support more communication with all Menominees. She gave praise for how the Menominees in

Milwaukee gave the Restoration Movement its good start. And, acknowledged how the Menominees in Milwaukee showed dedication and devotion to the tribe in the fight to reverse termination. 'If the chairman can support the Milwaukee office for \$50,000.00 I have no hesitation in supporting it also.'

If you are elected to the Legislature what will be your main focus or priorities?

Apesanahkwat: I will focus on tribal economic self-sufficiency. The constitution needs to be amended to include tribal input.

'Sim': My focus will be economic development, education and unified tribal effort for youth initiatives.

Sylvia Wilber: She would promote better understanding of the tribal constitution and will support amendments of the constitution to meet the needs of the tribe. She will stress education; more Menominees into more professions. And to allow people to have more input in tribal affairs.

'Gene': Will support economic development. He will keep government and politics out of business. He will work on consolidation services -vs- duplication services that create red tape. Meeting the needs of all Menominees will also be one of his priorities.

Editor's Note: Georgianna Ignace and Paula Fernandez are coordinators for the Menominee Community of Milwaukee. Their main purpose is to inform Menominees who reside in Milwaukee about tribal affairs so that when it comes time to vote whether it be for candidates, referendums, etc., they (Menominee) will be able to make informative decisions. Thank you Georgianna, - our 'Milwaukee connection' - for providing us with information that we can pass on to local tribal members here on the reservation.

The two remaining legislative candidates invited, at the time, were Keith Tourtillott and Orman 'Chief' Waukau. Waukau was unable to attend the second forum due to a prior commitment - working with the youth that weekend. "If I cannot keep my word to our youth, then I feel that I would be putting personal gain ahead of them," said Waukau in a letter to Georgianna. Tourtillott removed himself from the legislative ballot shortly after the second forum was held. However, he remains on the ballot as a Police Chief candidate.

Both Georgianna and Paula plan to continue the meetings after the Christmas holidays. "We would also like to invite individuals to Milwaukee who have an expertise in culture, language, the constitution and various issues that effect the tribe, to inform, educate, and discuss certain topics with us," said Ignace.

"I hope more Menominees in Milwaukee hear of these meetings and I hope they will be encouraged to attend. Good solid communication with off reservation tribal members has been too



long in coming," she added.

If you are interested in getting involved, you may write to Georgianna at 15825 Pomona Road, Brookfield, Wisconsin 53005.

## MINING:

Wednesday voted against adopting rules requested by officials and environmental groups who say they would clarify the moratorium law.

Two state lawmakers, two tribal chairmen and five citizens petitioned the state Natural Resources Board to adopt rules for implementing the 1998 law, a process regularly used by bureaucracies to execute the laws.

The moratorium law, which has already taken effect, was designed to add new protections for the environment in state mining regulations. The law also creates another requirement for Nicolet Minerals Co. to meet before opening a proposed zinc and "The DNR says its clear. We say it's clear as mud," Blouin said.

Ken Fish, director of the Menominee tribe's treaty rights and mining impact office, said the absence of rules opens the doors for a legal battle.

"It's going to allow a person to arbitrarily make the determination of the meaning of what 'significant' pollution is," Fish said.

Rep. Spencer Black, a Madison Democrat who brought the petition with Richland Center Democratic Sen. Kevin Shibilski, said the board's decision against rulemaking prevents the public from being involved in implementing the law.

Black also said the DNR's decision weakens the mining moratorium law.

By not adopting rules clarifying the law, the DNR "is converting the mining moratorium law into a non-moratorium law in order to pave the way for the (Crandon mine)," Black said.

Critics of the project fear it will hurt the environment. Proponents say the proposed mine would not hurt the environment and would bring jobs to the region.

In January, Nicolet Minerals submitted to state regulators the names of separate mines in California, Arizona and Canada that the company claimed met the requirements of the moratorium law.

Bill Tans, the DNR's mining coordinator for the Crandon proposal, said the department is reviewing Nicolet's proposal and expects to release an environmental impact statement in August 2000.

## PROFIT:

profits for the year were determined to be \$399,455 after the Menominee Tribal Enterprises Board of Directors subtracted the costs of expansion, asset replacement and a sinking fund payment from net profits of \$866,350.

The payment is a result of the excess profit distribution provisions detailed in both the Tribal Constitution and the MTE Management Plan. Those documents call for the annual distribution of excess profits on an equitable basis between MTE as a retained share and MTL as a tribal share after the net and excess profits for the period have been determined and after the MTE Board consults extensively with MTL.

Under provisions of the two documents, the Legislature is then to determine the utilization of the tribal share. It took no action on the distribution of the \$199,722 tribal share during last night's joint session.

The provisions of the Management Plan and the Constitution state that the Tribal Legislature shall 'determine whether the tribal share shall be utilized for tribal operations, distributed to tribal members, or divided and used for both purposes. In making the determination as to the distribution of the tribal share, the Tribal Legislature shall use its best judgment and shall carefully consider both the need for effective tribal operations and the individual needs of tribal members.'